

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION AT CHATTANOOGA**

**KENNETH MURPHY,
et ux RENEE FORD,**

Plaintiffs,

Vs.

Docket No._____
Judge:_____

**ALLSTATE INDEMNITY
COMPANY,**

Defendant.

NOTICE OF REMOVAL

Comes now Defendant Allstate Indemnity Company and hereby notifies the Judges of the United States District Court for the Eastern District of Tennessee, the clerk of the Circuit Court of Hamilton County, Tennessee and Plaintiffs, Kenneth Murphy and Renee Ford, that the action described herein and filed in the Circuit Court of Hamilton County, Tennessee, is removed to the United States District Court for the Eastern District of Tennessee, Southern Division pursuant to 28 U.S.C. § 1441.

1. On March 4, 2013, Plaintiffs, Kenneth Murphy and Renee Ford, filed a civil action bearing Docket No. 13C351 against the Defendant, Allstate Indemnity Company, in the Circuit Court of Hamilton County, Tennessee. Service of the complaint and summons was made upon CT Corporation on March 21, 2013, by certified mail through the Department of Insurance of the State of Tennessee.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant, Allstate Indemnity Company, and insuring

Plaintiffs' real property and contents in Hamilton County, Tennessee which was allegedly damaged by wind and water occurring on or about April 27, 2011. Plaintiffs also make claims of statutory bad faith and violation of the Tennessee Consumer Protection Act.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332. Specifically, the complaint demands damages to their dwelling in the amount of \$116,923.71, plus a 25% penalty for bad faith plus treble damages for violation of the Tennessee Consumer Protection Act.

4. Plaintiffs, Kenneth Murphy and Renee Ford, are residents and citizens of the State of Tennessee and were citizens of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant, Allstate Indemnity Company, is a corporation incorporated in Illinois, with its principal place of business in Northbrook, Illinois. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto as **Exhibit 1**.

WHEREFORE, Notice is hereby given that the said civil action number 13CV351 is removed from the Circuit Court of Hamilton County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/ Russell E. Reviere

Russell E. Reviere (BPR No. 07166)

Attorney for Defendant

209 East Main Street

P. O. Box 1147

Jackson, TN 38302-1147

(731) 423-2414

rreviere@raineykizer.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon counsel Plaintiffs:

John R. Meldorf, III
Attorney for Plaintiffs
P.O. Box 1447
Hixson, Tennessee 37343-1447
(423) 875-6775
tnlawdog@mindspring.com

by mailing postage prepaid or by delivery to the person or office of such counsel.

This the 4th day of April, 2013.